

REMARKS/ARGUMENTS

The Office Action of May 3, 2006 has been carefully reviewed and these remarks are responsive thereto. Claims 45-66 are pending. Claims 1-44 are cancelled. Claims 45-66 are new. Claims 1, 7, 14, 19, 22-23 and 38-43 were rejected under 35 U.S.C. § 112. Claims 1-44 were rejected under either 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a) in view of U.S. Patent No. 6,016,449 to Fischell *et al.* (Fischell). In response, Applicants respectfully traverse the rejection in light of the above amendments and the following remarks.

Amendments to the Specification

Minor typographical errors found in the specification have been corrected in response to the Examiner's request and entry of these minor changes is respectfully requested. In addition, amendments to the specification have been made to add citation to the referenced characters previously not mentioned in the description.

Objection to the Drawings

Figures 12 and 13 were objected to as failing to comply with 37 CFR 1.84(p)(4) because the reference character 22 was used for two different items. In response, Applicants submit two replacement drawings with this response that are believed to obviate this objection.

Cancelled Claims

Claims 1-44 have been cancelled, therefore the rejection of these claims is considered moot. The cancelling of claims 1-44 is without prejudice to the filing of similar claims in a continuation application.

New Claims

Claims 45-66 are new. Support for these claims is at least found in paragraphs 47 and 168-178 of the specification as filed.

In particular, support for claim 45 is at least found in paragraphs 168-170 of the specification as filed.

Support for claim 46 is at least found in paragraph 47 of the specification as filed.

Support for claim 47 is at least found in paragraph 169 of the specification as filed.

Support for claim 48 is at least found in paragraph 47 and 169 of the specification as filed.

Support for claim 49 is at least found in paragraph 171 of the specification as filed.

Support for claim 50 is at least found in paragraph 168 of the specification as filed.

Support for claim 51 is at least found in paragraphs 170-177 of the specification as filed.

Support for claim 52 is at least found in paragraph 170 of the specification as filed.

Support for claim 53 is at least found in paragraphs 168-170 of the specification as filed.

Support for claim 54 is at least found in paragraph 170 of the specification as filed.

Support for claim 55 is at least found in paragraph 168 of the specification as filed.

Support for claim 56 is at least found in paragraph 47 of the specification as filed.

Support for claim 57 is at least found in paragraphs 168-169 of the specification as filed.

Support for claim 58 is at least found in paragraphs 176-178 of the specification as filed.

Support for claim 59 is at least found in paragraph 171 of the specification as filed.

Support for claim 60 is at least found in paragraphs 168-170 of the specification as filed.

Support for claim 61 is at least found in paragraph 171 of the specification as filed.

Support for claim 62 is at least found in paragraph 171 of the specification as filed.

Support for claim 63 is at least found in paragraph 168 of the specification as filed.

Support for claim 64 is at least found in paragraphs 168-169 of the specification as filed.

Support for claim 65 is at least found in paragraph 176-177 of the specification as filed.

Support for claim 66 is at least found in paragraph 170 of the specification as filed.

Accordingly, no new matter was added by these amendments.

While the Office Action could not address the newly added claims and therefore they stand unrejected, Applicants would like to briefly address one point.

Looking at claim 45, the feature “in response to the providing of stimulation, determining that a first signal from a second electrode in the set of electrodes includes an artifact” is recited. Claims 54 and 60 recite similar features. After reviewing Fischell, this concept does not appear to be contemplated. Instead, Fischell merely discloses that signals from electrodes may or may not be used (Fischell, Col. 4, Ln. 39) and that the event detection sub-system 30 may be shut off during stimulation (Fischell, Col. 12, Ln. 39-44). Plainly, the general comments in Fischell fail

Appln. No.: 10/687,133
Response dated August 3, 2006
Reply to Office Action of May 3, 2006

to disclose, suggest or teach the more specific features recited in the pending claims. Thus, Applicants have been unable to find any disclosure in Fischell regarding the above recited feature, let alone the additional feature recited in the dependent claims.

Accordingly, for at least the above reasons Applicants believe the newly added claims are in condition for allowance and respectfully request notification of same.

CONCLUSION

All rejections have been addressed. Applicant believes all pending claims are in condition for allowance and earnestly solicits prompt notification of the same.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: August 3, 2006

By: /Stephen L. Sheldon

Stephen L. Sheldon
Reg. No. 58,732

Banner & Witcoff, Ltd.
10 South Wacker Drive
Suite 3000
Chicago, IL 60606
Tel: (312) 463-5000
Fax: (312) 463-5001